

# **EXHIBIT 16**

From: Bob Lee. Sent: 8/12/2007 8:03 AM  
 To: [ - ] Andy Rubin.  
 Cc: [ - ]  
 Bcc: [ - ]  
 Subject: Re: [jc-user] New OpenJDK Community Technology Compatibility Kit License (TCK).

Playing Devil's advocate...

The discussion you linked to is about Sun's J2ME implementation. We're talking about using their SE implementation.

We could have a pure VM licensed under the GPL (w/ classpath exception), and you could use whichever license you like (even closed) for code that runs on the JVM, including the rest of our platform. Apache Tomcat is a good example.

If we contributed code back to Sun, we'd have to give them full rights, but we don't have to contribute code back--we just have to make the source available under the GPL.

I'm not sure why one of our customers would be required to go back to Sun any more than they're required to go back to one of the many owners of the Linux code we use.

Bob

On 8/11/07, Andy Rubin <arubin@google.com> wrote:

Here it is from their FAQ:

Is the entire OpenJDK code base under the GPL?

A:

Yes, much of the OpenJDK code is licensed under the GPL version 2 with the Classpath exception. The Java Hotspot virtual machine source code is licensed under the GPL version 2 only

It is explained by Sun quite concisely here: <http://forums.java.net/jive/thread.jspa?messageID=175849#175849>

Bottom line: we do not want carriers or OEMs to be required to go to Sun if they are customers of our platform.

On Aug 11, 2007, at 10:55 PM, Bob Lee wrote:

Let me start off by saying I'm not arguing that we should use Sun's code. I'm just satisfying personal curiosity and filling out my understanding.

On 8/11/07, Andy Rubin <arubin@google.com> wrote:

...and as far as GPL-ing the VM, everything that is linked with the VM would get infected.

Sun's SE impl is GPL, and I can already build Apache-licensed software which runs on it, right? Is our situation different somehow?

Finally, Sun has a different license for its library for SE and ME. The SE library is LGPL, ME library is GPL. That means anything that links with the ME library gets infected. And the SE library is not optimized for embedded systems.

Sun's library may not be optimized for embedded, but neither is Harmony--we'd have to fork in the same way.

Tricky, no? Why would we want to do anything to support this behavior? We want to distance ourselves as much as possible from Sun.

Can't agree more. It would be awesome if we could help Harmony out along the way, BTW. They need it.

From my experience, the majority of Java people at Sun have good intentions. They're just so damned smothered in bureaucracy. It's a shame.

Bob